

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:21-CV-16-D

STANLEY BRUCE BENSON,)
)
Plaintiff,)
)
v.)
)
PENDER COUNTY SHERIFF'S OFFICE,)
and SHERIFF ALAN W. CUTLER,)
)
Defendants.)

ORDER

The court GRANTS defendants' motion to dismiss [D.E. 12] and DISMISSES the Pender County Sheriff's Office as a defendant. See White v. Vance Cnty., No. 5:19-CV-467-BO, 2020 WL 943893, at *2 (E.D.N.C. Feb. 26, 2020) (unpublished); Landry v. North Carolina, No. 3:10-cv-585-RJC-DCK, 2011 WL 3682788, at *2 (W.D.N.C. Aug. 23, 2011) (unpublished); Vaught v. Ingram, No. 5:10-CT-3009-FL, 2011 WL 761482, at *4 (E.D.N.C. Feb. 24, 2011) (unpublished); Cooper v. Brunswick Cnty. Sheriff's Dep't, No. 7:10-CV-14-D, 2011 WL 736670, at *1 (E.D.N.C. Feb. 23, 2011) (unpublished); Parker v. Bladen Cnty., 583 F. Supp. 2d 736, 740 (E.D.N.C. 2008); Hughes v. Bedsole, 913 F. Supp. 420, 426 (E.D.N.C. 1994), aff'd, 48 F.3d 1376 (4th Cir. 1995). The court DENIES as futile plaintiff's motion to amend to add Pender County as a defendant [D.E. 14]. In light of plaintiff's allegations, Pender County is not a proper defendant in this action. Young v. Bailey, 368 N.C. 665, 669–70, 781 S.E.2d 277, 280 (2016); McLaughlin v. Bailey, 240 N.C. App. 159, 160, 771 S.E.2d 570, 572 (2015), aff'd, 368 N.C. 618, 781 S.E.2d 23 (2016); see White, 2020 WL 943893, at *3; Gentile v. Brunswick Cnty. Sheriff's Dep't, No. 7:13-CV-81-FL, 2014 WL 1331159, at *15–16 (E.D.N.C. Apr. 2, 2014) (unpublished); Engleman v. Cumberland Cnty., No. 5:12-CV-147-FL, 2013 WL 157065, at *5 (E.D.N.C. Jan. 15, 2013) (unpublished); Parker, 583 F.

Supp. 2d at 739–40; Olvera v. Edmundson, 151 F. Supp. 2d 700, 705 (W.D.N.C. 2001); Little v. Smith, 114 F. Supp. 2d 437, 445–46 (W.D.N.C. 2000); Goodwin v. Furr, 25 F. Supp. 2d 713, 716–17 (M.D.N.C. 1998); Guy v. Jones, 747 F. Supp. 314, 317–19 (E.D.N.C. 1990). Sheriff Alan W. Cutler is the sole defendant.

In sum, the court GRANTS defendant's motion to dismiss [D.E. 12], DISMISSES the Pender County Sheriff's Office as a defendant, and DENIES as futile plaintiff's motion to amend to add Pender County as a defendant [D.E. 14].

SO ORDERED. This 20 day of May 2021.



JAMES C. DEVER III
United States District Judge